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PATENT DIVISION

#29 REF for Refund

Attorney Docket No. 0670-221

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Makoto SATO

Serial No. 09/462,075

Filed: January 6, 2000

For: DEVICE FOR INPUTTING TITLE OF
RECORDING MEDIUM

) Group Art Unit: 2653

) Examiner: A. Psitos

CERTIFICATE OF MAILING

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) P.O. Box 1450, Alexandria, VA 22313-1450, on

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Adrian M. Stamps

REQUEST FOR REFUND

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

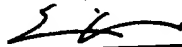
Sir:

Applicant respectfully requests a refund in connection with the above-identified patent application.

Applicant submitted a request in the Amendment (copy enclosed) of May 25, 2004, requesting that the Examiner consider or provide an explanation for not considering the citation *Written Notification of Reason for Refusal* submitted with the Information Disclosure Statement filed on August 11, 2003 (see page 5, line 9 of the copy of the Amendment). To facilitate the Examiner's consideration, a copy of a PTO 1449 Form accompanied the Amendment. On June 4, 2004, Deposit Account No. 502280 was charged \$180.00. In light of the fact that Applicant was merely providing a copy of the PTO 1449 Form for the Examiner's convenience, a fee is not required, and therefore Applicant is entitled to a refund.

It is respectfully requested that the payment for the Information Disclosure Statement in the amount of \$180.00 be credited to Deposit Account No. 50-2280 (0679-221). Should any additional information be needed, please do not hesitate to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,


Eric J. Robinson
Reg. No. 38,285

Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
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(571) 434-6789



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Attorney Docket No. 0670-221

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) P.O. Box 1450, Alexandria, VA 22313-1450, on
) May 25, 2004.

Ashley M. Stamps

AMENDMENT

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Official Action dated November 25, 2003, please consider the following amendments and remarks in connection with the above-identified application.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 5 of this paper.

COPY

The listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently Amended) A title input device for a recording medium, comprising:
 - a receiving tuner that receives text broadcasting and outputs received text information;
 - a display that displays the received text information output from the receiving tuner;
 - a first system controller that stores the received text information in a capturing buffer region when a first key instructs to capture the received text information;
 - a second key that selects a target unit of the recording medium to input a title, a music signal having already been recorded on the recording medium;
 - a third key that instructs to call desired received text information from the capturing buffer region; and
 - a second system controller that reads the desired received text information instructed to be called by the third key from the received text information stored in the capturing region buffer and records the desired received text information in the recording medium as a title name of the target unit selected by the second key, in response to operations of the third key and the second key.
2. (Previously Presented) The input device for a recording medium according to claim 1, wherein the first system controller performs a program of detecting and deleting redundant text information when the first system controller stores the received text information in the capturing buffer region when the first key instructs to capture the received text information.

3. (Previously Presented) The input device for a recording medium according to claim 1, wherein the second system controller performs a program of detecting and deleting redundant text information when the second system controller reads the desired received text information instructed to be called by the third key from the received text information stored in the capturing buffer region and records the desired received text information in the recording medium as a title name of the target unit selected by the second key.

4. (Currently Amended) A title device for a recording medium, comprising:
a receiving tuner that receives text broadcasting and outputs received text information;
a display that displays the received text information output from the receiving tuner;
a first system controller that stores the received text information in a capturing region buffer when a first key instructs to capture the received text information;
a second key that selects a target unit of the recording medium to input a title name character, a music signal having already been recorded on the recording medium;
a title inputting region that stores a title name input by a user corresponding to the unit;
wherein the first system controller instructs to call desired received text information from the capturing region buffer;
a second system controller that writes a title name character input by the user in the title inputting region corresponding to the target unit desired by the user, reading the desired text information stored in the capturing buffer region when the first system controller instructs to call the desired received text information, and writing the title name in the title inputting region corresponding to the target unit desired by the user, in response to an operation of the second key; and

wherein the second system controller records the title name corresponding to the target unit and stored in the title inputting region in the recording medium at a predetermined timing.

5. (Previously Presented) The title input device for a recording medium according to claim 4, wherein the first system controller performs a program of detecting and deleting redundant text information when the first system stores the received text information in the capturing buffer region when the first key instructs to capture the received text information.

6. (Previously Presented) The title input device for a recording medium according to claim 4, wherein the second system controller performs a program of detecting and deleting redundant text information when the second system controller reads the desired text information stored in the capturing buffer region when the first system controller instructs to call the desired received text information, and writes the title name in the title inputting region corresponding to the target unit desired by the user.

7. (Currently Amended) A title input method for a recording medium comprising:
receiving text broadcasting and outputting text information;
storing the text information designated with designating key in the storage memory;

calling desired text information from the storage memory;

manually selecting a target unit of the recording medium in order to input the desired text information as a title; a music signal having already been recorded on the recording medium; and

recording the desired text information as the title of the target unit of the recording medium.

REMARKS

The Official Action mailed November 25, 2003, has been received and its contents carefully noted. Filed concurrently herewith is a *Request for Three Month Extension of Time*, which extends the shortened statutory period for response to May 25, 2004. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statement filed on January 6, 2000.

The Applicant notes the partial consideration of the Information Disclosure Statement filed on August 11, 2003. The Official Action asserts that "[the] IDS of 8/11/03 has been reviewed and made of record" (page 2, Paper No. 21). However, in the "Other Prior Art – Non Patent Literature Documents" section of the Form 1449, the Examiner has crossed through the citation to *Written Notification of Reason for Refusal* and has not provided an explanation on the record to explain why the citation is not in conformance and not considered. The Applicant respectfully submits that the citation of the *Written Notification of Reason for Refusal* fully complies with 37 CFR 1.97 and 1.98. Therefore, the Applicant respectfully requests that the Examiner provide an initialed copy of the attached Form PTO-1449 evidencing consideration of the *Written Notification of Reason for Refusal* originally submitted with the IDS filed August 11, 2003.

Also, the Applicant has not received acknowledgment of the Information Disclosure Statement filed on November 25, 2003. The Applicant respectfully requests that the Examiner provide an initialed copy of the Form PTO-1449 evidencing consideration of the Information Disclosure Statement filed on November 25, 2003.

Claims 1-7 are pending in the present application, of which claims 1, 4 and 7 are independent. Claims 1, 4, and 7 have been amended to better recite the features of the present invention. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 3 of the Official Action rejects claims 1, 4 and 7 as obvious based on the combination of U.S. Patent No. 5,889,747 to Hisamatsu et al. or U.S. Patent No. 5,041,921 to Scheffler and U.S. Patent No. 5,991,440 to Matsubayashi et al. or U.S. Patent No. 4,615,024 to Usui. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present invention, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Hisamatsu or Scheffler and Matsubayashi or Usui do not teach or suggest all the features of the independent claims. Specifically, neither Hisamatsu nor Scheffler teach or suggest a receiving tuner that receives text broadcasting and outputs received text information and a display that displays the received text information output from the receiving tuner as recited in the independent claims. Therefore, it is impossible for Hisamatsu or Scheffler to teach or suggest that a first key instructs to capture the

received text information. The Official Action appears to be silent as to these features of the present invention, and it does not appear that Hisamatsu or Scheffler teaches or suggests these features.

Moreover, Hisamatsu or Scheffler does not teach or suggest that there is a recording medium on which any music has already been recorded and, that music is selected and then the title of the selected music is inputted to the recording medium. That is, neither Hisamatsu nor Scheffler teach or suggest selecting a target unit of the recording medium to input a title, a music signal having already been recorded on the recording medium as recited in the amended independent claims.

Matsubayashi or Usui does not cure the deficiencies in Hisamatsu or Scheffler. The Official Action relies on Matsubayashi or Usui to allegedly teach a save as technique (page 3, Paper No. 21). However, Hisamatsu or Scheffler and Matsubayashi or Usui, either alone or in combination, do not teach or suggest a receiving tuner that receives text broadcasting and outputs received text information, a display that displays the received text information output from the receiving tuner, or selecting a target unit of the recording medium to input a title, a music signal having already been recorded on the recording medium.

Since Hisamatsu or Scheffler and Matsubayashi or Usui do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Paragraph 4 of the Official Action rejects claims 1, 4 and 7 as obvious based on the combination of U.S. Patent No. 5,479,266 to Young et al. or U.S. Patent No. 5,488,409 to Yuen et al. and Matsubayashi or Usui.

Young or Yuen and Matsubayashi or Usui do not teach or suggest all the features of the independent claims. Specifically, Young also fails to teach or suggest that there is a recording medium on which music has already been recorded, that music is selected and then the title of music is inputted to the recording medium. That is, in

the system of Young, the operation of selecting a target unit of the recording medium to input a title is not performed, as claimed in the present invention.

In Young, an operation of performing an update is described at column 9, lines 6-22. However, in Young it is explained that the virtual tape directory of the off-tape memory is more suitable than the on-tape directory. Therefore, Young is different from the present invention. That is, Young does not teach or suggest that there is a recording medium on which music has already been recorded and that music is selected and then the title of the selected music is inputted to the recording medium.

In Yuen, an operation of "Editing A Program Title" is described at column 56, lines 27-54. In the system of Yuen, the directory is recorded on a vertical blanking interval (VBI) line on the tape or it is stored in RAM 33, depending on a type of tape. On the other hand, at column 56, lines 46-47, the description of "Editing A Program Title" only describes that "[when] the editing is complete, the 'ENTER' key can be pressed so that the new title is stored." Therefore, Yuen does not specify which of a directory on the VBI line or a directory on the RAM 33 is rewritten.

However, as described in "Erasing Programs From The Tape" beginning at column 56, line 4, "In one implementation, the program is not actually erased from the tape, but it is only removed from the directory. The title of the erased program and the time of such erasure are stored in the monitoring date 33c." As such, it appears that only the directory on the RAM 33 is rewritten in the case of editing as well as in the case of erasing.

Therefore, there is no disclosure of any technique of rewriting only the directory on the VBI lines. Also, it would be considerably difficult to rewrite only the VBI line in a video signal.

Accordingly, the rewriting of title in Yuen, which is performed in the RAM 33 is disposed independently from the recording medium (tape) on which music has already been recorded and is distinguished from the present invention. As noted above, in the present invention, the title is written on the recording medium in which music has

already been recorded. Therefore, Young or Yuen and Matsubayashi or Usui do not teach or suggest that there is a recording medium on which music has already been recorded, that music is selected and then the title of music is inputted to the recording medium.

Since Young or Yuen and Matsubayashi or Usui do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.


Paragraph 5 of the Official Action rejects claims 2-5 as obvious based on the combination of Hisamatsu or Scheffler and Matsubayashi or Usui, or Young or Yuen and Matsubayashi or Usui, and JP 03-233670 to Tanosaki or JP 09-146528 to Aida et al.

Tanosaki or Aida does not cure the deficiencies in Hisamatsu or Scheffler and Matsubayashi or Usui, or Young or Yuen and Matsubayashi or Usui. The Official Action relies on Tanosaki or Aida to allegedly teach duplicate deletion ability (page 5, Paper No. 21). However, Hisamatsu or Scheffler and Matsubayashi or Usui, or Young or Yuen and Matsubayashi or Usui, and Tanosaki or Aida, either alone or in combination, do not teach or suggest a receiving tuner that receives text broadcasting and outputs received text information, a display that displays the received text information output from the receiving tuner, selecting a target unit of the recording medium to input a title, a music signal having already been recorded on the recording medium, or that music is selected and then the title of music is inputted to the recording medium.

Since Hisamatsu or Scheffler and Matsubayashi or Usui, or Young or Yuen and Matsubayashi or Usui, either alone or in combination with Tanosaki or Aida do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,



Eric J. Robinson
Reg. No. 38,285

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